

Court of Appeals, Division One

Criminal

1 CA-CR 15-0861

STATE v. VILLALOBOS

Appellate Case Information

Case Filed: 23-Dec-2015

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Robert A Walsh, Esq. (AZ Bar No. 16071)

Side 2. VICTOR MIGUEL VILLALOBOS, Appellant

(Litigant Group) VICTOR MIGUEL VILLALOBOS

- Victor Miguel Villalobos

Attorneys for: Appellant

Nicholaus Podsiadlik, Esq. (AZ Bar No. 028885)

CASE STATUS

Nov 22, 2016...At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2013-442104-001	Voyeurism, Class 5	2 Years	Jerry Bernstein, Sentencing	JURY	

OPEN DUE DATE

Reply Brief Due

Due By:

Monday, January 9, 2017

Re: FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

[1 extension]

CALENDAR

Friday MOTION CALENDAR

16-Dec-2016 Department M;

File date: 12/14/2016.....Motion to Strike Answering Brief (Appellant)

2 PENDING MATTERS

General Motion

Motion to Expand the Record (Appellee)

Filed: 23-Nov-2016

Scheduled: 25-Nov-2016

General Motion

Motion to Strike Answering Brief (Appellant)

Filed: 14-Dec-2016

Scheduled: 16-Dec-2016

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- 23-Dec-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/18/15. Notification to Court Reporters dated 12/22/15.
- 11-Jan-2016 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 02/25/16. Anthony Mackey ProTem Judge - Author
- 29-Jan-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 10/29/2015 List # 2 3 4 5 6 7 8 9 11 13 18 19 20 21 22 23 in a manila envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
- 29-Jan-2016 FILED:e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent with e-Record
- 19-Feb-2016 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)

[126352]

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Information presented in this document may not reflect all case activity and is subject to change without notice.

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6. 22-Feb-2016 ORDERED: Ken Crenshaw transcripts dated 07/29/14, 10/16/14, 09/02/15, 10/16/15, 11/04/15 due 03/23/16. Hon Samuel A Thumma - Author
7. 22-Feb-2016 ORDERED: Court Reporter Cynthia Lineburg transcript 04/16/14 due 03/23/16. Hon Samuel A Thumma - Author
8. 22-Feb-2016 ORDERED: Court Reporter Elva Lauer transcripts dated 12/16/13, 03/31/14, 04/14/14, 04/28/14, 05/12/14 due 03/23/16. Hon Samuel A Thumma - Author
9. 22-Feb-2016 ORDERED: Court Reporter Jeanne Kappedal transcript dated 12/16/15 due 03/23/16. Hon Samuel A Thumma - Author
10. 22-Feb-2016 ORDERED: Court Reporter Marylynn LeMoine transcript dated 11/05/15 due 03/23/16. Hon Samuel A Thumma - Author
11. 22-Feb-2016 ORDERED: Court Reporter Alisa Smith transcripts dated 11/02/15, 11/03/15 due 03/23/16. Hon Samuel A Thumma - Author
12. 22-Feb-2016 ORDERED: Court Reporter Mark Hankins transcript dated 10/29/15 due 03/23/16. Hon Samuel A Thumma - Author
13. 22-Feb-2016 ORDERED: Court Reporter Diane Donoho transcript dated 07/30/15 due 03/23/16. Hon Samuel A Thumma - Author
14. 22-Feb-2016 ORDERED: Court Reporter Karen Dawson transcript dated 05/15/15 due 03/23/16. Hon Samuel A Thumma - Author
15. 22-Feb-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
16. 4-Mar-2016 FILED: Reporters Transcript - 07/30/2015 - (Diane Donoho)
17. 4-Mar-2016 FILED: Reporters Transcript - 04/16/2014 - (Cindy Lineburg)
18. 8-Mar-2016 FILED: Reporters Transcript - 11/05/2015 - (Marylynn Lemoine)
19. 11-Mar-2016 FILED: Motion for Order to Unseal Documents; Certificate of Service (Appellant)
20. 15-Mar-2016 ORDERED: Motion for Order to Unseal Documents (Appellant) = GRANTED/directing clerk of this court to unseal documents listed in this order for use by appellant or appellee for this appeal only, upon presentation of this order by appellant or appellee or their agent. FURTHER ORDERED: clerk to reseal after permitting inspection. Anthony Mackey ProTem Judge - Author
21. 22-Mar-2016 FILED: Reporter's Transcript - 11/4/15 - Trial Conference (Janice Penfield)
22. 22-Mar-2016 FILED: Reporter's Transcript - 10/16/14 - Defendant Competent - A.R.S. 13-451(b) -Submission (Janice Penfield)
23. 22-Mar-2016 FILED: Reporter's Transcript - 07/29/2015 - Pretrial Conference (Janice Penfield)
24. 22-Mar-2016 FILED: Reporter's Transcript - 10/16/15 - Status Conference (Janice Penfield)
25. 22-Mar-2016 FILED: Reporter's Transcript - 09/02/2015 - Trial Continuance Past Last Day (Janice Penfield)
26. 22-Mar-2016 FILED: Reporter's Transcript - 11/02/15 - Trial Day 2 (Alisa Smith)
27. 22-Mar-2016 FILED: Reporter's Transcript - 11/3/15 - Trial Day 3 (Alisa Smith)
28. 23-Mar-2016 FILED: Reporter's Transcript - 10/29/15 - Trial - Voir Dire (Mary C. Hankins)
29. 6-Apr-2016 FILED: First Motion for Extension of Time to File Transcripts (Court Reporter Elva Cruz-Lauer)
30. 7-Apr-2016 ORDERED: Extending until 4/22/16 the deadline for Elva Cruz-Lauer to file the Transcripts of 12/16/2013, 03/31/2014, 04/14/2014, 04/28/2014, 05/12/2014. FURTHER ORDERED: If transcripts not filed, OSC Hearing 5/4/16. Hon Samuel A Thumma - Author
31. 7-Apr-2016 ORDERED: Extending until 4/22/16 the deadline for Jeanne Kappedal to file the Transcript of 12/16/15. FURTHER ORDERED: If transcript not filed, OSC Hearing 5/4/16. Hon Samuel A Thumma - Author

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32. 7-Apr-2016 ORDERED: Extending until 4/22/16 the deadline for Karen Dawson to file the Transcript of 5/15/15. FURTHER ORDERED: If transcript not filed, OSC Hearing 5/4/16. Hon Samuel A Thumma - Author
33. 26-Apr-2016 FILED: Reporter's Transcript - 12/16/15 - Admission of Priors - Sentencing (Jeanne Kappedal)
34. 28-Apr-2016 FILED: Reporter's Transcript - 12/16/13 - Pretrial Conference (Elva Cruz-Lauer)
35. 28-Apr-2016 FILED: Reporter's Transcript - 03/31/14 - Pretrial Conference (Elva Cruz-Lauer)
36. 28-Apr-2016 FILED: Reporter's Transcript - 04/14/14 - Final Management Conference (Elva Cruz-Lauer)
37. 28-Apr-2016 FILED: Reporter's Transcript - 04/28/14 - Status Conference (Elva Cruz-Lauer)
38. 28-Apr-2016 FILED: Reporter's Transcript - 05/12/14 - Pretrial Conference (Elva Cruz-Lauer)
39. 6-May-2016 ORDERED: Court Reporter Karen Dawson transcript dated 05/15/2015 past due. OSC set for 05/11/2016. Hon Samuel A Thumma - Author
40. 12-May-2016 ORDERED: Court Reporter Karen Dawson is to surrender immediately all court reporter notes (Paper/Electronic), dictionary, any audio sync with name of software used, diskettes, CDs, and any other pertinent material for the 05/15/2015 hearing to Lori Dennison for transcription. FURTHER ORDERED: OSC set for 05/18/2016. Hon Samuel A Thumma - Author
41. 20-May-2016 ORDERED: Court Reporter Karen Dawson shall appear for OSC on 06/01/2016. FURTHER ORDERED: Karen Dawson shall bring the transcript that she represented to the court in writing on 04/07/2016 as being finished, all court reporter notes (Paper/Electronic), dictionary, any audio sync with name of software used, diskettes, CD's, and any pertinent material for the proceeding held on 05/15/2015. FURTHER ORDERED: Should Karen Dawson fail to appear to OSC a warrant may issue to compel her attendance in this court. FURTHER ORDERED: Clerk of this Court shall ensure that Court Reporter Karen Dawson is personally served with this order. Hon Samuel A Thumma - Author; Hon Michael J Brown - Concur; Hon Jon W Thompson - Concur
42. 20-May-2016 FILED: Maricopa County Sheriff's Office - Document Acceptance Receipt
43. 26-May-2016 FILED: Affidavit re: Maricopa County Sheriff's Office - Karen Dawson served on 05/24/2016
44. 2-Jun-2016 ORDERED: Court Reporter Karen Dawson shall provide this court by delivering them to the filing desk, second floor, of this court 1501 W Washington, Phoenix, Arizona no later than 06/02/2016 by 10:00 a.m., the transcript of proceedings held in superior court on 05/15/2015 that she represented to the court in writing on 04/07/2016 as being finished, all court reporter notes (Paper/Electronic), dictionary, any audio sync with name of software used, diskettes, CD's, and any other pertinent material. FURTHER ORDERED: Should Court Reporter Karen Dawson fail to fully and timely comply a warrant may issue to compel her attendance in this court to obtain the transcript of proceedings. FURTHER ORDERED: OSC set for 06/15/2016. FURTHER ORDERED: Should Court Reporter Karen Dawson fail to appear as ordered a warrant may issue to compel her attendance in this court and to obtain the transcript of proceedings. Hon Samuel A Thumma - Author; Hon Michael J Brown - Concur; Hon Peter B Swann - Concur
45. 3-Jun-2016 FILED: Letter, dated 06/03/2016 re: Civil Arrest Warrant/For Court Reporter Karen Dawson regarding Court of Appeals : CA-CR 15-0861, CA-CR 15-0742, CA-CR 15-0754, CA-CR 15-0755
46. 3-Jun-2016 ORDERED: Civil arrest warrant shall issue for the arrest of Court Reporter Karen Dawson. FURTHER ORDERED: The civil arrest warrant be executed on Court Reporter Karen Dawson such that she is arrested between 8:00 a.m. and 3:00 p.m. on a court business day. FURTHER ORDERED: When Court Reporter Karen Dawson is arrested, Clerk of this Court be notified (602-542-4821) and the Court Reporter Karen Dawson be transported to the Arizona Court of Appeals. Hon Samuel A Thumma - Author; Hon Michael J Brown - Concur; Hon Peter B Swann - Concur
47. 3-Jun-2016 ORDERED: Court Reporter Karen Dawson be arrested and taken into custody by the Sheriff of Maricopa County. FURTHER ORDERED: The warrant be executed between 8:00 a.m. and 3:00 p.m. on a court business day and that Court Reporter Karen Dawson be brought to the Court of Appeals, Division One, as soon as practicable but in any event within 24 hours of the execution of this warrant for an immediate hearing with this court. No bond is set until such time as Court Reporter Karen Dawson is seen by this court. Hon Samuel A Thumma - Author; Hon Michael J Brown - Concur; Hon Peter B Swann - Concur
48. 3-Jun-2016 FILED: Certification of Execution re: Civil Arrest Warrant for Court Reporter Karen Dawson (Unsigned)
49. 7-Jun-2016 ORDERED: Staying this appeal to/including 07/22/2016 and revesting jurisdiction in the Arizona Superior Court, Maricopa County to reconstruct the record of the proceeding held on 05/15/2015. FURTHER ORDERED: Superior Court shall have jurisdiction to rule and settle the record. FURTHER ORDERED: Superior Court to transmit a certified copy of its written findings and/or reconstructed materials within five days due 07/22/2015. FURTHER ORDERED: This appeal shall be automatically reinstated before this court on 07/22/2016. Hon Samuel A Thumma - Author
50. 20-Jun-2016 FILED: Reporters Transcript (05/15/15 [Karen Dawson])

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51.	20-Jun-2016	ORDERED: Court Reporter Karen Dawson OSC set for 07/06/2016 regarding sanctions. Hon Samuel A Thumma - Author
52.	24-Jun-2016	ORDERED: Vacating the Order Remanding to Reconstruct Record in its entirety filed on on 06/07/2016. Hon Samuel A Thumma - Author
53.	1-Jul-2016	ORDERED: Confirming this court's orders finding Court Reporter Karen Dawson in civil contempt for failing to comply with this court's orders. FURTHER ORDERED: Court Reporter Karen Dawson shall appear for OSC on 07/06/2016. FURTHER ORDERED: Should Karen Dawson fail to comply with this order, additional proceedings, including criminal contempt proceedings, may be initiated. Hon Samuel A Thumma - Author; Hon Michael J Brown - Concur; Hon Andrew W Gould - Concur
54.	7-Jul-2016	ORDERED: Confirming this court's orders finding Court Reporter Karen Dawson in civil contempt for failing to comply with this court's orders. FURTHER ORDERED: OSC set for 07/20/2016. FURTHER ORDERED: Should Court Reporter Karen Dawson fail to comply with this order, additional proceedings, including criminal contempt proceedings may be initiated. Hon Samuel A Thumma - Author; Hon Michael J Brown - Concur; Hon Diane M Johnsen - Concur
55.	7-Jul-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
56.	19-Jul-2016	FILED: Motion to Compel; Certificate of Service (Appellant)
57.	21-Jul-2016	FILED: Notice of Appearance; Certificate of Service (Appellant)
58.	21-Jul-2016	ORDERED: Confirming this court's orders finding Court Reporter Karen Dawson in civil contempt for failing to comply with this court's orders. FURTHER ORDERED: OSC set on 08/03/2016. FURTHER ORDERED: Should Court Reporter Karen Dawson fail to comply with this order, additional proceedings, including criminal contempt proceedings may be initiated. Hon Samuel A Thumma - Author; Hon Diane M Johnsen - Concur; Hon Andrew W Gould - Concur
59.	26-Jul-2016	ORDERED: Motion to Compel (Appellant) = GRANTED/Directing court reporters Karen Dawson and Alisa Smith, if they have not already done so, to immediately provide a copy of the transcript of proceedings held on 05/15/2015, 11/02/2015, 11/03/2015. Anthony Mackey ProTem Judge - Author
60.	27-Jul-2016	FILED: Notice of Completion of Record
61.	4-Aug-2016	ORDERED: Confirming this court's orders finding Court Reporter Karen Dawson in civil contempt for failing to comply with this court's orders. FURTHER ORDERED: OSC set on 08/17/2016. FURTHER ORDERED: Should Court Reporter Karen Dawson fail to comply with this order, additional proceedings, including criminal contempt proceedings, may be initiated. Hon Samuel A Thumma - Author; Hon Michael J Brown - Concur; Hon Andrew W Gould - Concur
62.	22-Aug-2016	ORDERED: Confirming this court's orders finding Court Reporter Karen Dawson in civil contempt in this matter for failing to comply with this court's orders. FURTHER ORDERED: No additional hearings are set at this time for Court Reporter Karen Dawson in this matter. Hon Samuel A Thumma - Author; Hon Michael J Brown - Concur; Hon Andrew W Gould - Concur
63.	12-Sep-2016	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
64.	21-Sep-2016	FILED: Notice of Appearance; Certificate of Service (Appellee)
65.	1-Nov-2016	ORDERED: Extending the time to file the Answering Brief to/including 11/30/16. Fred Cole ProTem Judge - Author
66.	22-Nov-2016	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
67.	23-Nov-2016	FILED: Motion to Expand the Record; Certificate of Service (Appellee)
68.	30-Nov-2016	ORDERED: Deferring a ruling on the motion to expand the record, and any response, to the panel that considers this appeal on the merits. Hon Diane M Johnsen - Author
69.	2-Dec-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
70.	12-Dec-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
71.	14-Dec-2016	FILED: Motion to Strike Answering Brief; Certificate of Service (Appellant)
72.	19-Dec-2016	ORDERED: Reply brief due date EXTENDED from Monday, 12-19-2016 to Monday, 01-09-2017. Fred Cole ProTem Judge - Author
73.	19-Dec-2016	ORDERED: Deferring a ruling on the motion to strike the answering brief, and any response, to the panel that considers this appeal on the merits. FURTHER ORDERED: Directing the clerk of this court to reference this order in the electronic case management system. Anthony Mackey ProTem Judge - Author

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74. 28-Dec-2016 FILED: Response to Motion to Strike Answering Brief; Certificate of Service; Exhibits A to E (Appellee)